

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SUMMIT FAMILY MEDICAL: PRACTICE, P.C.,  
:  
Plaintiff,  
:  
v. : Civil Action  
:  
THE PHILADELPHIA CONTRIBUTIONSHIP  
INSURANCE COMPANY, :  
:  
Defendant.

MEMORANDUM OF POINTS AND AUTHORITIES  
OF DEFENDANT'S OPPOSITION TO PLAINTIFF'S  
FOR LEAVE TO ALLOW ADDITIONAL DISCOVERY

1. The original Schedule of Discovery was filed on September 23, 2002, in which Plaintiff requested that all discovery be completed by September 23, 2002. Plaintiff has failed to produce the documents requested by Defendant.

2. In reliance on this court's September 23, 2002 Order, Defendant, through Defendant's counsel, has not anticipated production of any documents. Defendant has not provided any documents in response to Plaintiff's discovery requests. Defendant has not provided any documents in response to Plaintiff's discovery requests.

3. Pursuant to this Honorable Court's September 23, 2002 Order, Defendant now is required to produce the documents requested by Plaintiff. Defendant has not provided any documents in response to Plaintiff's discovery requests.

has had the opportunity to present its Motion to Compel Discovery.

4. This Defendant remains ready, willing and able to provide discovery to Plaintiff's attorneys. Plaintiff's attorneys have not requested any further discovery. The three hours are the maximum allowed for Plaintiff's attorneys to complete their discovery. Plaintiff's attorneys are not permitted to file any further discovery requests under Rule 33.

5. Plaintiff's attorneys' arguments that Defendant's failure to comply with Summit's Request for additional interrogatories is a violation of the Court, Defendant's response is an abuse of the Court's discretion, and that Defendant's failure to comply with Summit's Request for additional interrogatories is a violation of the Court's discretion, are all without merit. Plaintiff's attorneys' failure to comply with Summit's Request for additional interrogatories is a violation of the Court's discretion, and that Defendant's failure to comply with Summit's Request for additional interrogatories is a violation of the Court's discretion, are all without merit.

6. Attached to this motion is a copy of Plaintiff's Interrogatories, which are of an excessive and burdensome nature of the type that is prohibited by Rule 33.

WHEREFORE, Defendant requests the Court to grant Plaintiff's Motion for Leave to Allow

R e s p e c t f u l l y   s u b m i t t e d ,  
M O L D A W E R   &   M A R S H A L L ,   P .

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